

# Financial Disclosure Guide for Annual Donors

*2023-24 financial year*

The Australian Electoral Commission asserts the right to be recognised as author of the original material in the following manner:



© Commonwealth of Australia 2024.

Unless otherwise noted, the AEC has applied the Creative Commons Attribution 4.0 International Licence (Licence) to this publication with the exception of the Commonwealth Coat of Arms, the AEC's logos, and content supplied by third parties. Use of material subject to the Licence must not assert or imply any connection with, or endorsement by, the AEC unless with express prior written permission.

The Australian Electoral Commission asserts the right of recognition as author of the original material. The publication should be attributed as Financial Disclosure Guide for Annual Donors.

Enquiries regarding the licence and any use of this document are welcome at:

Funding and Disclosure  
Australian Electoral Commission  
Locked Bag 4007  
Canberra ACT 2601

Email: [fad@aec.gov.au](mailto:fad@aec.gov.au)

Phone: 02 6271 4552

[www.aec.gov.au](http://www.aec.gov.au)

Published June 2024.

## Table of Contents

|   |           |
|---|-----------|
| <b>Introduction</b> .....   | <b>4</b>  |
| The Guide .....   | 4         |
| <b>Annual disclosure</b> .....  | <b>5</b>  |
| Responsibility for lodging the return .....   | 5         |
| Reporting period.....   | 5         |
| Disclosure threshold.....   | 5         |
| Due date for lodging returns .....  | 5         |
| Lodging your return .....   | 6         |
| Publication of returns.....   | 6         |
| Penalties .....   | 6         |
| <b>Important information</b> .....  | <b>7</b>  |
| Definition of a donation.....   | 7         |
| Foreign donations .....   | 8         |
| Anti-avoidance provisions .....   | 8         |
| Related bodies corporate .....  | 9         |
| Donations to other entities with the intention of benefiting a political party or significant third party.....                    | 9         |
| Donations to candidates in a federal election .....   | 10        |
| <b>The return</b> .....   | <b>11</b> |
| Part 1a: Other business names (Organisations only) .....  | 11        |
| Part 1b: Related bodies corporate (Organisations only).....   | 11        |
| Part 1 (Individual) or Part 2 (Organisations): Details of gifts made to a political party   | 11        |
| Part 2 (Individual) or Part 3 (Organisations): Details of gifts made to a significant third party .....                           | 13        |
| Part 3 (Individual) or Part 4 (Organisations): Details of gifts made to a member of the House of Representatives or Senator ..... | 15        |
| Part 4 (Individual) or Part 5 (Organisations): Details of gifts received.....   | 16        |
| <b>Incomplete returns</b> .....   | <b>18</b> |
| <b>Amending returns</b> .....   | <b>18</b> |
| <b>Administration</b> .....   | <b>19</b> |
| <b>Compliance reviews</b> .....   | <b>20</b> |
| <b>Appendix – Glossary of terms</b> .....   | <b>21</b> |

# Introduction

---

The Commonwealth funding and disclosure scheme (the disclosure scheme) established under Part XX of the *Commonwealth Electoral Act 1918* (Electoral Act), deals with the public funding of federal election campaigns and the disclosure of detailed financial information.

The disclosure scheme was introduced to increase overall transparency and inform the public about the financial dealings of political parties, candidates and others involved in the electoral process.




The disclosure scheme requires political parties, associated entities, significant third parties, Members of the House of Representatives, Senators, third parties, candidates, Senate groups, and donors to lodge financial disclosure returns with the Australian Electoral Commission (AEC). The disclosure returns are published on the [Transparency Register](#).

## The Guide

This version of the Financial Disclosure Guide for Annual Donors (the guide) applies to returns for the 2023-24 financial year. While the guide is intended to assist donors with meeting their disclosure requirements, it does not address the whole of the Electoral Act. Stakeholders should familiarise themselves with the relevant part of the Electoral Act and seek independent legal advice where necessary.

The Electoral Act and all guides published by the AEC are available at [www.aec.gov.au](http://www.aec.gov.au). Financial disclosure returns are available for viewing on the [Transparency Register](#) after the public release date.

The guide incorporates text boxes to highlight important information. Each text box is prefaced with a symbol. For example:

|   |  |
|---|--|
|  | A warning symbol indicates information relating to a legal obligation under the Electoral Act. |
|  | An information symbol indicates a useful tip.  |
|  | A timing symbol indicates a due date.  |

# Annual disclosure

---

## Responsibility for lodging the return

A person or entity that makes one or more donations to a political party, associated entity of a political party, significant third party, member of the House of Representatives or Senator totalling more than the disclosure threshold during a financial year must lodge a donor disclosure return (the return).

If the donor is an individual, he or she must lodge the return. If the donor is an entity, the return should be lodged by a person with the authority to do so. In the case of a company this may be the Chief Executive Officer, company secretary or financial controller. In the case of a trust, it would be the trustee.

**Note:** only donations made to members of the House of Representatives or Senators for federal purposes need to be disclosed.

**Note:** A federal purpose means the purpose of incurring electoral expenditure, or creating or communicating electoral matter.

## Reporting period

The return covers the financial year **1 July 2023 to 30 June 2024**.

## Disclosure threshold



The disclosure threshold for the 2023-24 financial year is for amounts of more than **\$16,300**. This figure is indexed annually.

## Due date for lodging returns

The AEC contacts people and organisations identified as donors on returns to advise them of their financial disclosure obligations under the Electoral Act. It is important to note this **does not** relieve donors who are not contacted from completing and submitting returns.



Completed returns must reach the AEC **no later than 20 weeks after the end of the financial year**.

For the 2023-24 financial year, the due date is **18 November 2024**.

The AEC has no legislative discretion to extend this deadline.

Returns are published on the [Transparency Register](#) on the first working day of February. Returns for the 2023-24 financial year will be published on **3 February 2025**.

## Lodging your return

Donors can prepare and lodge their returns online via the eReturns portal.

To use the eReturns portal you need an account with a unique username and password. Newly identified donors will have a username and password sent to them with their obligation letter. However, donors that do not have an eReturns account may create their own.

The eReturns portal can be accessed from <https://ereturns.aec.gov.au>. This is the easiest way to lodge your return accurately and on time. It is quick, secure, and allows importing/exporting of files which eliminates transcription errors. You can find further information on [lodging your return](#) and a step-by-step [eReturns Donor Reference Guide](#) available on the [AEC website](#).

## Publication of returns

The AEC is required to publish financial disclosure returns under section 320 of the Electoral Act. This means that any personal information contained within the returns is made publicly available.

Entities completing returns should ensure that any individuals named are properly informed about the publication of the return.

Returns are published on the [Transparency Register](#) on the first working day of February. Returns for the 2023-24 financial year will be published on **3 February 2025**.

Any supporting documentation included with the return may be treated as part of a public disclosure and displayed on the AEC website.

The information in the return is collected under s314AB of the Electoral Act, and in accordance with the *Privacy Act 1988*. To view the Privacy Notice for financial disclosure returns see the [Privacy](#) page on the AEC website.

## Penalties

The Electoral Act imposes civil penalties, and in some cases criminal penalties if a person or entity contravenes the requirements of the Electoral Act. The AEC provides support, including this guide, to assist donors to comply with their disclosure obligations.

The AEC deals with non-compliance as appropriate to the circumstances, including possible referral to the Commonwealth Director of Public Prosecutions.

To review a list of civil and criminal penalties that may apply to donors under the Electoral Act see [Penalties relating to funding and disclosure regulations](#) on the AEC website.

For further information on compliance and enforcement see [Compliance and Enforcement](#) on the AEC website.

# Important information

---

## Definition of a donation

A donation has the same meaning as a gift under the Electoral Act. A gift is defined as any disposition of property made by a person to another person, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include:

- (a) a payment under Division 3; or
- (b) an annual subscription paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person in respect of the person's membership of the party, branch or division; or
- (c) any visit, experience or activity provided for the purposes of a political exchange program.



Section [287\(1\)](#) of the Electoral Act provides the meaning of a gift.

A gift also includes a **'gift-in-kind'**. Gifts-in-kind may be goods or services received for which no payment (in cash or in kind) or inadequate consideration is made. **Inadequate consideration** is where the benefits obtained are clearly of a lesser value than the payment made. Inadequate consideration includes discounts provided that are over and above those that would be offered under normal commercial arrangements.

These gifts are to be disclosed for an amount that reflects the fair value. That is, the normal commercial or sale value of the item or service as evidenced by arms-length transaction or comparative quotations or expert assessment.

**Examples of gifts-in-kind** could be:

- free/discounted services such as legal advice, accounting services or web and IT services
- wages or salaries (including on-costs) incurred by an employer whose employee works for the party during normal working hours while continuing to receive salary or wages from the employer (but not if the employee takes paid leave to work for the party)
- free/discounted use of premises or equipment and facilities
- free use of a vehicle, or free fuel or servicing of a vehicle
- free/discounted advertising by a publisher or advertising production service
- free air travel or the free use of a private aircraft
- loans provided interest free, or at rates that are less than those available in the commercial loan market
- free/discounted printing, typesetting or associated services
- free/discounted goods or services (for example, travel, artwork, sports memorabilia or electrical goods) for use in raffles or other fundraising activities
- where a person pays a bill/account owed by the recipient.

## Foreign donations

Political parties, associated entities, significant third parties, members of the House of Representatives and Senators are restricted:

- from receiving gifts of \$100 or more where:
  - the recipient knows the donor is a foreign donor; and
  - the recipient knows that the foreign donor intends the gift to be used to incur electoral expenditure, or is for the dominant purpose of creating or communicating [electoral matter](#) and
- from receiving gifts of \$1,000 to the disclosure threshold without obtaining a written affirmation that the donor is not a foreign donor; and
- from receiving gifts equal to or above the disclosure threshold without obtaining written affirmation and appropriate information to establish that the donor is not a foreign donor.

If a person or entity receives a donation from a foreign donor in contravention of the restrictions in the Electoral Act, the Electoral Act provides six weeks from the gift being made for it, or an equivalent amount, to be returned to the donor or transferred to the Commonwealth.

A foreign donor is a person or entity who does not have a connection with Australia, such as a person who is not an Australian citizen or an entity that does not have a significant business presence in Australia.

The [Factsheet on Foreign Donations](#) contains further information and is available on the AEC website.



Section [287AA](#) of the Electoral Act provides the meaning of a foreign donor.

Sections [302D](#) and [302F](#) of the Electoral Act restrict political parties, associated entities, significant third parties, members of the House of Representatives and Senators from receiving gifts from foreign donors.

## Anti-avoidance provisions

The Electoral Act prohibits schemes to avoid foreign donations restrictions. The anti-avoidance provisions prohibit schemes for channelling foreign donations via a relevant person or entity to:

- members of the House of Representatives
- Senators
- political entities
- significant third parties
- associated entities; or
- third parties.

It is an offence under section 302H of the Electoral Act to establish arrangements to avoid the



foreign donations restrictions. The Electoral Commissioner can issue a written notice if:

- a relevant person or entity (alone or with others) enters into, begins to carry out or carries out a scheme;
- there are reasonable grounds to conclude the relevant person did so for the sole or dominant purpose of avoiding foreign donations restrictions; and
- the scheme involved donation splitting, conduit corporations or any other unspecified avoidance scheme; and
- the scheme avoids the application of foreign donations restrictions.

A person or entity who commits an offence may be subject to civil or criminal penalties.



Section [302H](#) of the Electoral Act prohibits schemes to avoid foreign donations restrictions.

## Related bodies corporate

The Electoral Act deems related bodies corporate to be the same entity. Related bodies corporate has the same meaning under the Electoral Act as defined in [section 50 of the Corporations Act 2001](#).

The parent company of the group should lodge under its name a return consolidated across the entire group and list in this part of the return the names of all related bodies corporate.



Section [287\(6\)](#) of the Electoral Act deems related bodies corporate to be the same entity.

## Donations to other entities with the intention of benefiting a political party or significant third party

If donations are provided to another entity with the intention of benefiting a particular political party or significant third party, the donation is taken to have been given directly to that political party or significant third party. When completing the return, it is the name of the political party or significant third party that must be disclosed, not the name of the entity the donation was provided through.



Section [305B\(2\)](#) of the Electoral Act provides for the disclosure of gifts made to any person or entity with the intention of benefiting a political party or significant third party.

## Donations to candidates in a federal election

The Annual Donor Disclosure Return covers donations made to:

- political parties
- significant third parties
- members of the House of Representatives
- Senators.

A donor who makes donations totalling more than the disclosure threshold to a candidate in a federal election is required to lodge an Election Donor Return. An Election Donor Return is different to an Annual Donor Disclosure Return.

For more information refer to the [Financial Disclosure Guide for Election Donors](#).



Please note that a donation to an endorsed candidate or Senate group **campaign committee** is considered a donation to a political party.

# The return

Depending on the type of donor, the following information must be disclosed in the return:

for an **organisation**:

- other business names—see [Part 1a](#)
- related bodies corporate—see [Part 1b](#)
- details of donations made to political parties—see [Part 2](#)
- details of donations made to significant third parties—see [Part 3](#)
- details of donations made to members of the House of Representatives or Senators—see [Part 4](#)
- details of donations received— see [Part 5](#)

for an **individual**:

- details of donations made to political parties—see [Part 1](#)
- details of donations made to significant third parties—see [Part 2](#)
- details of donations made to members of the House of Representatives or Senators—see [Part 3](#)
- details of donations received—see [Part 4](#)



Sections [305B](#) and [306](#) of the Electoral Act govern the lodgement of annual disclosures by donors.

## Part 1a: Other business names (Organisations only)

An organisation should list any other names under which it conducts business.

## Part 1b: Related bodies corporate (Organisations only)

The parent company of the group should lodge under its name a return consolidated across the entire group and list in this part of the return the names of all related bodies corporate.



Section [287\(6\)](#) of the Electoral Act deems related bodies corporate to be the same entity.

## Part 1 (Individual) or Part 2 (Organisations): Details of gifts made to a political party

If no gifts/donations were provided to a political party, this part of the return should be marked 'nil'.

Part 1 (Individual) and Part 2 (Organisations) of the return require disclosure of the **total of all**

**gifts made** to a political party. If the total of gifts made to a political party exceed the disclosure threshold, all gifts made to a political party, regardless of their value, must be disclosed.

For example:

- A donor makes three separate donations of \$5,500 to a political party on different days. The total amount of the donations made to that political party is \$16,500. Even though the individual donations made are below the disclosure threshold, the donor is required to disclose details for each individual donation made to the political party.

For each gift the following details must be disclosed:

- name and address details of the political party to which the gift was made
- the date each gift was made
- the value of each gift made.

The [Register of Political Parties](#) contains the details of currently registered political parties and state branches.



Section [305B\(3\)](#) of the Electoral Act provides for the disclosure of donations to political parties.

## Issues relating to donations to political parties

For further discussion on issues affecting donors to political parties [see below](#).

### Attendance at political party functions

Whether a payment to attend a function constitutes a donation requiring disclosure is a matter for the donor and party to determine. The issue is whether ‘adequate consideration’ has been provided in return for the payment.

Inadequate consideration is where the benefits obtained are clearly of a lesser value than the payment made. This is a determination that can only be made based on the specific circumstances of the function. If an individual or entity is unsure of their obligations under the Electoral Act they should seek their own legal advice.

The following examples should be read as a guide only:

- If a person made a payment for attendance at a political party function or conference and they did not receive services equal to the value of the payment, the payment is considered a donation.
- Payment for attendance at a political party function, conference or luncheon for commercial reasons, including the opportunity to engage with members of Parliament and senior party officials, may not be considered a donation if the commercial value or benefit of attending is equal to or exceeds the amount paid.
- Payment for attendance at a function with the intention of contributing to the political party, (that is, where the function is primarily a fundraiser), or where the amount paid is in excess of the value of the function, is a donation and is required to be disclosed.

## Donations to a party where the party has separate federal registrations

Political parties may have multiple parties registered with the AEC, for example the major parties – Australian Labor Party, Liberal Party of Australia, National Party of Australia, Australian Greens. The state branches of these parties are considered separate federally registered branches, and each has a separate disclosure obligation. Therefore, it is important that when a donor discloses a donation, the **correct branch** of the party is identified.

The following examples may assist in clarifying some common issues where a donation has been made to a political party that has several registrations:

- A person made a payment for attendance at a political party function where a member of the Commonwealth Parliament is the guest speaker. The registered political party hosting the function is a state branch of one of the major parties and the guest speaker is a member of that state branch. For disclosure purposes, the payment for attendance at the function has been made to the state branch of the political party and therefore the donor when disclosing the payment should ensure it is the state branch of the political party recorded on the return.
- A person made a donation to the federal secretariat of a major political party with the intention of benefiting the political party at a federal election. The donation is required to be disclosed as being made to the federal secretariat of the major political party.

## Part 2 (Individual) or Part 3 (Organisations): Details of gifts made to a significant third party

If no gifts/donations were provided to a significant third party, this part of the return should be marked 'nil'.

Part 2 (Individual) and Part 3 (Organisations) of the return require disclosure of the **total of all gifts made** to a significant third party. If the total of gifts made to a significant third party exceed the disclosure threshold, all gifts made to a significant third party, regardless of their value, must be disclosed.

For example:

- A donor makes three separate donations of \$6,000 to a significant third party on different days. The total amount of the donations made to that significant third party is \$18,000. Even though the individual donations made are below the disclosure threshold, the donor is required to disclose details for each individual donation made to the significant third party.

For each gift the following details must be disclosed:

- name and address details of the significant third party to which the gift was made
- the date each gift was made
- the value of each gift made.

The [Transparency Register](#) contains the details of currently registered significant third parties.



Section [305B\(3\)](#) of the Electoral Act provides for the disclosure of donations to significant third parties.

## Transactions not to be reported

Where a significant third party is registered under the *Australian Charities and Not-for-profits Commission Act 2012*, a gift provided by a donor greater than the disclosure threshold does not need to be disclosed in this return if no part of it was used during the financial year to:

- create or communicate [electoral matter](#); or
- incur [electoral expenditure](#); or
- to reimburse the entity for creating or communicating electoral matter or incurring electoral expenditure.

## Issues relating to donations to political parties and significant third parties

### Donations 'indirectly' made to a registered political party or significant third party

Examples of 'indirect' donations to a political party or significant third party include, but are not limited to, the following:

- Payments to a person or organisation (for example an associated entity of a political party) on the understanding that the money or benefit will be passed to a political party or will be used to support the activities of a political party.
- Payments to a person or organisation on the understanding that the money will be used to pay a debt of a political party or significant third party.
- A payment made for services that were for the benefit of a political party or significant third party (such as electoral advertising, legal costs or repayment of a loan) is a donation.
- Where a payment for services is made and any other donations are also made to a political party or significant third party, and the total of the amounts paid exceeds the disclosure threshold, both the payment for services and all donations must be disclosed.

Items that **do not** need to be disclosed as donations could be:

- commercial discounts provided in the normal course of business
- volunteer labour, such as persons handing out how-to-vote cards.

### Donations to several political parties or significant third parties

Donations made to two or more political parties or significant third parties are to be listed on the one return.

The following examples may assist in clarifying some common issues where multiple donations are concerned:

- A person made several donations totalling \$13,000 to one political party (the first

party), and two donations of \$9,000 each to another political party (the second party). The donations made to the first party are not required to be disclosed as they total less than the disclosure threshold. However, the two donations made to the second party are required to be disclosed as they total more than the disclosure threshold.

- A person made donations to a political party totalling exactly \$16,300. These do not need to be disclosed as they are equal to the disclosure threshold. If the donations totalled more than \$16,300 then disclosure is required.
- A person made a donation of \$9,000 directly to a political party and a second donation of \$8,000 to another organisation with the intention the organisation use the \$8,000 for the benefit of the same political party. Both donations must be disclosed as the disclosure threshold is exceeded for donations to the benefit of the same political party.

### Donations to a significant third party where it has separate branches

If a significant third party has branches, the branches are treated as a single significant third party.

## Part 3 (Individual) or Part 4 (Organisations): Details of gifts made to a member of the House of Representatives or Senator

Part 3 (Individual) and Part 4 (Organisations) of the return require disclosure of the **total of all gifts made** to a member of the House of Representatives or Senator **for federal purposes**. If the total of gifts made to a member or Senator for federal purposes exceed the disclosure threshold, all gifts made to the member or Senator for federal purposes, regardless of their value, must be disclosed.

Federal purposes means the purpose of incurring [electoral expenditure](#), or creating or communicating electoral matter.

For each gift the following details must be disclosed:

- the amount or value of the gift
- the date on which the gift was made
- the name and address of the member or Senator.



Section [306](#) of the Electoral Act provides for the disclosure of donations for a federal purpose to members of the House of Representatives and Senators.

## Part 4 (Individual) or Part 5 (Organisations): Details of gifts received

If no gifts/donations were received, Part 4 (Individual) and Part 5 (Organisations) of the return should be marked 'nil'.

Part 4 (Individual) and Part 5 (Organisations) of the return require a person or entity to disclose details of any gifts received that were used, either wholly or partly, to make donations to a political party, significant third party, member of the House of Representatives or Senator.

Cash donations, together with gifts-in-kind received are required to be disclosed.

For **donations received** that meet the criteria for disclosure required by sections 305B(3A) or 306(3) of the Electoral Act, the following details must be disclosed:

- full name and address details of the person or organisation from whom the donation was received
- the date each donation was received
- the value or amount of each donation.



Sections [305B\(3A\)](#) and [306\(3\)](#) of the Electoral Act provide for the disclosure of the **gifts received and their details** where the gift is used to make donations to a political party, significant third party, member of the House of Representatives or Senator.

### Amounts received from unincorporated associations, trusts or foundations

Where an amount has been received from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of all members of the executive committee of the association must be disclosed.

Where an amount has been received from a trust fund or foundation fund, the name and description of the trust or foundation and the names and addresses of all trustees must be disclosed.

### Period covered

Unlike the disclosure of donations made, which is limited to the 2023-24 financial year, donations used to fund those donations must be disclosed even where they were received prior to 1 July 2023.

The following example may assist in clarifying the disclosure requirements when a person or organisation discloses donations made in the 2023-24 financial year having used donations that were received in prior years to make those donations.



**Example:**

The following example may assist in clarifying the disclosure requirements when a donation made in the 2023-24 financial year was made using gifts/donations that were received in prior years.

A donor received a donation of \$18,000 in the 2021-22 financial year. The same donor received a donation of \$17,000 in the 2022-23 financial year.

In the 2023-24 financial year the donor made a donation of \$20,000 to a political party which is required to be disclosed in the return:

- as part of the \$20,000 donation made to the political party, the donor used the \$17,000 donation received in the 2021-22 financial year, and
- used \$2,000 of the \$17,000 donation received in the 2022-23 financial year,
- as the donor has used donations that were received in previous financial years to make a donation to a political party in the 2023-24 financial year, the donor is required to disclose each of the donations (\$18,000 and \$17,000) as 'donations received' for the 2023-24 financial year in the return.

In a subsequent financial year to the 2023-24 financial year:

- the donor used the remaining \$15,000 of the \$17,000 donation received in the 2022-23 financial year to make a donation that is more than the disclosure threshold,
- the donor will be required to disclose the \$17,000 donation as a donation received in the subsequent financial year's return.

In this situation, the donor can include an explanatory note on the subsequent financial year's return that the gift has been disclosed previously.

# Incomplete returns

---

Where the person responsible for lodging the return is unable to obtain all the information required to fully complete the return, a Notice of Incomplete Return **must be completed** and lodged with the incomplete return.

Where it is necessary to submit a Notice of Incomplete Return:

- complete the Annual Donor Disclosure Return – Individuals/Organisations as fully as possible
- complete the Notice of Incomplete Return
- lodge the Notice of Incomplete Return and the incomplete Annual Donor Disclosure Return with the AEC at the same time.

**Note:** Lodgement of a Notice of Incomplete Return does not relieve the person of the responsibility of making reasonable efforts to obtain the information required to complete the return. The AEC may assess whether the lodgement of a Notice of Incomplete Return was used by the person to avoid their responsibilities under the Electoral Act.

The Notice of Incomplete Return contains three parts:

Part 1 – requires the full details of the information believed to be missing from the return.

Part 2 – requires:

- the reason the particulars listed in Part 1 were unable to be obtained
- details of all attempts made to obtain the missing information.

Part 3 – requires:

- full name/s and address details of the person/s believed to possess the missing particulars
- reasons why it is believed the person/s possesses the required information.



Section [318](#) of the Electoral Act provides for when a person who is required to furnish a return is unable to do so.

# Amending returns

---

A request may be made to, or by the AEC seeking amendment of a return that has been lodged and subsequently found to be incomplete or incorrect.

Amendments to the return require previously submitted amounts to be provided together with the amended amounts. Amendments are processed through eReturns.



Section [319A](#) of the Electoral Act provides for the amendment of returns.

# Administration

---

## Date for public inspection of annual returns

Annual returns are made available for public inspection on the first working day of February each year. For 2023-24 annual returns, that date is 3 February 2025.

Returns are available for inspection on the [Transparency Register](#).

## Record keeping

Donors should keep adequate financial recording systems and procedures to enable the return, which will be publicly available, to be properly completed. The Electoral Act makes the donor responsible for record keeping.

All transactions should be supported by source documents recording the details of individual transactions. Examples of source documents could be:

- receipts
- tax invoices
- bank deposit books and cheque butts
- bank account statements
- credit card statements.

## Retention of records

Relevant records, whether formal or informal, must be retained for a minimum of 5 years following the end of the reporting period.

A record must also be kept in accordance with any other requirements as determined by the Electoral Commissioner.

Persons or entities who fail to comply with these requirements are subject to civil penalties.



Section [317](#) of the Electoral Act provides for the retention of records.

## Compliance reviews

---

The AEC conducts compliance reviews of annual returns lodged by donors to verify the accuracy and completeness of disclosures.

The AEC will issue a notice to the donor to request documentation and may hold an interview to discuss the review. A written compliance report will be provided and may include advice to amend the associated entity's return.

For further information on compliance and enforcement see [Compliance and Enforcement](#) on the AEC website.



Section [316\(2A\)](#) of the Electoral Act provides for the conduct of compliance reviews.

## Appendix – Glossary of terms

|                               |  |
|-------------------------------|--|
| <b>AEC</b>                    | Australian Electoral Commission  |
| <b>Anti-avoidance scheme</b>  | <p>Can include:</p> <ul style="list-style-type: none"> <li>■ Donation splitting: a foreign donor avoiding a disclosure threshold by giving multiple gifts below the disclosure threshold.</li> <li>■ Conduit corporations: a foreign donor forming or participating in the formation of a body corporate in Australia in order to channel gifts through an allowable donor.</li> <li>■ Unspecified avoidance scheme: facilitates a foreign donor making a prohibited gift, that is not donation splitting or a conduit corporation.</li> </ul>   |
| <b>Associated entity</b>      | <p>An entity which:</p> <ul style="list-style-type: none"> <li>■ is controlled by one or more registered political parties; or</li> <li>■ operates wholly, or to a significant extent, for the benefit of one or more registered political parties; or</li> <li>■ is a financial member of a registered political party; or</li> <li>■ on whose behalf another person is a financial member of a registered political party; or</li> <li>■ has voting rights in a registered political party; or</li> <li>■ on whose behalf another person has voting rights in a registered political party</li> <li>■ operates wholly, or to a significant extent, for the benefit of one or more disclosure entities and the benefit relates to one or more electoral activities (whether or not the electoral activities are undertaken during an election period).</li> </ul> |
| <b>Campaign committees</b>    | A campaign committee, in relation to a candidate or group, means a body of persons appointed or engaged to form a committee to assist the campaign of the candidate or group in an election.   |
| <b>Debt</b>                   | Debt is any sum for which a legal obligation to pay exists as at the end of the financial year. It includes loans, mortgages, leases, unpaid invoices and goods and services received but not yet paid for.  |
| <b>Disclosure threshold</b>   | Detailed disclosure must be made of receipts totalling more than \$16,300 and debts totalling more than \$16,300 at 30 June 2024. This threshold is indexed annually.  |
| <b>Discretionary benefits</b> | <p>Grants, contracts, payments and other benefits requiring the exercise of discretion by the Commonwealth, State or Territory.</p> <p>Discretionary benefits do not include statutory entitlements such as election funding.</p>  |

|                              |  |
|------------------------------|--|
| <b>Donor</b>                 | A person, organisation or other body other than a political party, an associated entity or a candidate in a federal election who is under an obligation to furnish a disclosure return because they made a donation.   |
| <b>Electoral Act</b>         | <i>Commonwealth Electoral Act 1918</i>   |
| <b>Electoral expenditure</b> | Expenditure incurred for the dominant purpose of creating or communicating electoral matter.<br><br>The <a href="#">Factsheet on Electoral Matter and Electoral Expenditure</a> on the AEC website contains further information.   |
| <b>Electoral matter</b>      | Matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in a federal election.<br><br>The <a href="#">Factsheet on Electoral Matter and Electoral Expenditure</a> on the AEC website contains further information.  |
| <b>Foreign donation</b>      | A donation or gift to a political entity, associated entity, significant third party, third party, member of the House of Representatives or Senator from a foreign donor.<br><br>The <a href="#">Factsheet on Foreign Donations</a> available on the AEC website contains further information.  |
| <b>Foreign donor</b>         | A person who does not have a connection with Australia, such as a person who is not an Australian Citizen or an entity that does not have significant business presence in Australia.  |
| <b>Gift/Donation</b>         | Any disposition of property made by a person to another person, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration but does not include: <ul style="list-style-type: none"> <li>■ a payment under Division 3 of Part XX of the Electoral Act;</li> <li>■ an annual subscription paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person in respect of the person's membership of the party, branch or division; or</li> <li>■ any visit, experience or activity provided for the purposes of a political exchange program.</li> </ul> |
| <b>Gifts-in-kind</b>         | Non-cash donations. For example, receipt of an asset or service, discounts other than in the normal course of business and non-commercial or excessive payment for goods or services (including membership). Gifts-in-kind must be disclosed for an amount that reflects the fair value, that is, normally the commercial or sale value of the item or service.<br><br>Examples of gifts-in-kind could include: <ul style="list-style-type: none"> <li>■ the donation of legal advice by a solicitor</li> <li>■ the donation of the use of premises to conduct campaign activities.</li> </ul>   |

|                                   |   |
|-----------------------------------|---|
| <b>Indexation</b>                 | The disclosure threshold is indexed to the All Groups Consumer Price Index. The <a href="#">disclosure threshold</a> is available on the AEC website  |
| <b>Penalty Unit</b>               | In accordance with <a href="#">subsection 4AA(1A)</a> of the <i>Crimes Act 1914</i> a penalty unit is indexed every three years. .  |
| <b>Period of disclosure</b>       | Annual returns cover a financial year, that is, the period from 1 July to 30 June.  |
| <b>Political entity</b>           | A registered political party, a State branch of a registered political party, a candidate in an election or by-election, or member of a Senate group.   |
| <b>Public inspection</b>          | Disclosure returns are available for inspection on the <a href="#">Transparency Register</a> . Annual returns are made available from the first working day in February each year.  |
| <b>Registered political party</b> | For the purpose of this guide, this term refers to a political party registered with the AEC, or any state or territory branch of a federally registered political party. Registration with a state or territory electoral authority does not confer federal registration.  |
| <b>Related body corporate</b>     | <p>Section 50 of the <i>Corporations Act 2001</i> provides that where a body corporate is:</p> <ul style="list-style-type: none"> <li>■ a holding company of another body corporate</li> <li>■ a subsidiary of another body corporate or</li> <li>■ a subsidiary of a holding company of another body corporate</li> <li>■ the first-mentioned body and the other body are 'related' to each other.</li> </ul> <p>Transactions of related bodies corporate should be consolidated when determining whether the disclosure threshold has been reached.</p> |

**Significant third party**

A person or entity that is registered with the AEC as a significant third party.

A person or entity is required to register as a significant third party when:

- the amount of electoral expenditure incurred by or with the authority of the person or entity during that or any one of the previous 3 financial years is \$250,000 or more; or
- the amount of electoral expenditure incurred by or with the authority of the person or entity:
  - during that financial year is at least equal to the disclosure threshold; and
  - during the previous financial year was at least one-third of the revenue of the person or entity for that year; or
- during that financial year the person or entity operates for the dominant purpose of fundraising amounts:
  - the aggregate of which is at least equal to the disclosure threshold; and
  - that are for the purpose of incurring electoral expenditure or that are to be gifted to another person or entity for the purpose of incurring electoral expenditure.

A significant third party that has branches is treated as a single significant third party.

**State branch**

A branch or division of a federally registered political party organised on the basis of a state or territory. State branches are treated as separate political parties for funding and disclosure purposes.

**Volunteer labour**

A service provided free of charge to a party by an office holder of the party or a party member, or any other person where that service is not one for which that person normally receives payment. Volunteer labour provided to a registered political party does not need to be disclosed as a gift by that person or the registered political party.

An example of volunteer labour would be a person handing out how-to-vote cards.